

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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WAYNE CHARLES and WAYNE CHARLES, II,

Plaintiffs,

-v-

LEE A. POLLOCK et al.,

Defendants.
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15 Civ. 9758 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 19, 2016, defendants Nicholas Kaizer, Richard Levitt, Levitt & Kaizer, Lee A. Pollock, and Pollock & Maguire, LLP filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiffs shall file any amended complaint by March 11, 2016. No further opportunities to amend will ordinarily be granted. If plaintiffs do amend, by April 1, 2016, all defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by March 11, 2016. Defendants' reply, if any, shall be

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiffs' opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

served by March 18, 2016. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 22, 2016
New York, New York